REMARKS

Claims 1-11, 13-15 and 30-44 are pending in the application. Claims 1, 9, 15, 30, 36 and 37 are amended herein. Applicant respectfully requests reconsideration.

Claims 1-11, 13-15, and 30-44 were rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,110,041 ("*Walker*") in view of U.S. Patent No. 6,719,631 ("*Tulley*"). Applicant respectfully traverses.

Walker is cited for teachings relative to adapting gaming devices to playing preferences. *Tulley* is cited for teachings relative to determining a gaming system event parameter based on a player-established event parameter such as the amount of a wager. While the teachings of these references may relate in a general sense to some of the subject matter of embodiments of the present invention, there are at least two features of the present invention that are clearly not taught or suggested by either of the references. These features are (i) a gaming machine having a customizable user interface, and (ii) a gaming machine configured to present a simulated game according to preference selections entered by a player to allow the player to assess how the preference selections will affect game play.

First, regarding the customizable user interface, applicant has amended claims 1 and 30 to recite this feature. For example, claim 1 has been amended to recite, in part:

> A gaming machine comprising: a master gaming controller configured to … output to a video display a user interface that is <u>customized</u> on the gaming machine according to preference account information stored by the remote server, said <u>customized</u> user interface configured to allow a user to modify the preference account information stored on the remote server … the <u>customizable</u> user interface configured to display information regarding one or more preferences from a group of available preferences …

And claim 30 has been amended to recite, in part:

> A method of customizing a game play … comprising … generating on the video display a user interface <u>customized according to preference account information stored by</u> the remote <u>server,</u> said <u>customized</u> user interface

configured to allow a user to modify the preference account information
stored on the remote server, said <u>customized</u> user interface further configured
1) to display <u>information regarding one or more</u> preferences <u>in a group of</u>
<u>available preferences</u> …

The amendments pertaining to a customized user interface are fully supported in the
specification. See, *e.g.*, U.S. Application 2002/0142846 at pars. 0013 ("preferred gaming
machine settings may be … an input interface configuration"), 0014 ("The gaming machine may
also include an interface designed or configured to display preference account information"),
0063 ("video displays with set top boxes may be used to access preference account information
stored on the preference account server using a custom interface"), and 0072 ("player inputs may
be received by the gaming machine using … a video touch screen").

Although *Walker* teaches configuring a game on a gaming machine to match preference
data received from a player, *Walker* does not teach or suggest a gaming machine that allows a
player to customize the user interface that the player may then use to input a preference selection
for a game presentation. *Tulley* contains no teachings directed to customizing a user interface for
a gaming machine, or to customizing a gaming machine according to user preferences.
Therefore *Walker* in view of *Tulley* does not teach or suggest the invention recited in claim 1 or
30. Applicant requests that the § 103 rejections be withdrawn.

Next, regarding the simulated game capability, applicant has amended claims 1 and 30 to
more particularly claim this feature. For example, claim 1 has been amended to recite, in part:

> A gaming machine comprising: a master gaming controller
> configured … <u>to generate on the video display a simulated game presentation</u>
> <u>according to the preference selections entered via the customized user</u>
> <u>interface to allow a player to assess how the preference selections will affect</u>
> <u>game play</u> …and the customizable user interface configured to display
> information regarding one or more preferences from a group of available
> preferences, to receive the preference selections, *and to display the simulated*
> *game presentation, wherein the simulated game presentation* is a) generated
> on the remote server using the preference selections received at the gaming
> machine and sent to the remote server from the gaming machine and b) output

via the customized user interface in response to commands and data received from the remote server.

And claim 30 has been amended to recite, in part:

A method of customizing a game play ... comprising ... generating on the video display a user interface customized according to preference account information stored by the remote server, said customized user interface configured to ... *display a simulated game presentation* generated <u>according to the preference selections entered via the customized user interface to allow a player to assess how the preference selections will affect game play</u> ...

The amendments pertaining to the simulated game capability are fully supported in the specification. See, *e.g.*, U.S. Application 2002/0142846 at pars. 0050, 0104 and 0109.

It is important to note that in claims 1 and 30, the "game presentation" and the "simulated game presentation" are distinct features. The "game presentation" is a display and operation of a playable game on the gaming machine, whereas the "simulated game presentation" is a display of partial features of a game presentation generated "to allow a player to assess how various selected preference options will affect their game playing experience." *Id.* at par. 0104. According to certain embodiments of the invention, the game simulation feature allows a player to "test" various preference selections to see which selections they like it well enough to include as part of their preference account information.

Applicant acknowledges the "Response to Arguments" section on page 11 of the Office Action, which states the Examiner's opinion that the combination of references discloses a simulated game outcome reflecting player preferences, and that the Examiner has responded accordingly in the rejection of the claims.

Applicant has reviewed the claim rejections in detail and can find no evidence of the Examiner's alleged response regarding the references teaching a simulated game outcome. Applicant has reviewed the *Walker* and *Tulley* references in detail and likewise can find no evidence of any teaching related to simulating games on a gaming machine to allow a player to assess how various selected preference options will affect their game playing experience.

Applicant concludes that neither *Walker* nor *Tulley* teaches or suggests configuring a gaming machine with the simulated game presentation capability as recited in claims 1 and 30. Applicant requests that the § 103 rejections of these claims be withdrawn.

Claims 2-11 and 13-15 depend from claim 1 and claims 31-44 depend from claim 30. For the same reasons that claims 1 and 30 are allowable, applicant respectfully requests allowance of all dependent claims.

Claims 1-11, 13-15 and 30-44 were provisionally rejected under the judicially created doctrine of obviousness-type double patenting over claims 21-32 of U.S. Patent Application No. 11/830,796. Applicant respectfully traverses.

The Office Action on page 10 asserts that claims 1-11, 13-15 and 30-44 are not patentably distinct from claims 21-32 of U.S. Patent Application No. 11/830,796 because both applications claim a gaming device, user interface, memory, and display of a system and method for sending and receiving the selection and databasing of player preferences.

A terminal disclaimer is filed with this response and the provisional rejection is believed overcome thereby.

In addition to these features, claims 1 and 30, as amended herein, recite additional features directed to (i) a gaming machine having a customizable user interface, and (ii) a gaming machine configured to present a simulated game according to preference selections entered by a player to allow the player to assess how the preference selections will affect game play. The additional features are not recited in claims 21-32 of U.S. Patent Application No. 11/830,796. Applicant submits that the two claim sets are patentably distinct, and respectfully requests withdrawal of the obviousness-type double patenting rejection.

Based on all of the above, all pending claims are believed to be in condition for allowance. Allowance of the claims at the earliest possible date is earnestly requested. If prosecution of this application can be assisted by telephone, the Examiner may call the undersigned attorney at (510) 663-1100.

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Applicant has authorized the USPTO to charge fees for a one-month extension. Applicant does not believe that any additional fees are required for filing this amendment. If any additional fees are in fact due, please charge such additional fees to Deposit Account No. 504480 (Order No. IGT1P026).

Respectfully submitted,
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